

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MARCH 24, 2015  
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:            Jamie Irons                            Mayor  
                      Noah Smukler                            Councilmember  
                      John Headding                            Councilmember  
                      Christine Johnson                            Councilmember  
                      Matt Makowetski                            Councilmember

STAFF:                David Buckingham                            City Manager  
                          Joe Pannone                            City Attorney  
                          Dana Swanson                            City Clerk  
                          Susan Slayton                            Administrative Services Director  
                          Rob Livick                            Public Works Director  
                          Scot Graham                            Community Development Manager  
                          Joe Woods                            Recreation Director  
                          Eric Endersby                            Harbor Director  
                          Amy Christey                            Police Chief  
                          Steve Knuckles                            Fire Chief

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:05pm

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

Mayor Irons gave a report on the C-MANC Conference in Washington D.C.

<https://youtu.be/HBjf46LX-wU?t=3m46s>

PUBLIC PRESENTATIONS

- SLO Regional Rideshare and Bike Month Update

<https://youtu.be/HBjf46LX-wU?t=16m21s>

Peter Williamson, Employer Outreach Coordinator at SLO Regional Rideshare, provided an update on available programs including 511 and 511.org which provide transportation and rideshare information, Safe Routes to School, Know How to Go for persons with disabilities and the elderly, and Back ‘n’ Forth Club for employers who encourage their employees to use alternative transportation. May 2015 is Bike Month and two events will take place in Morro Bay. May 15th is “Bike to Work Day” and a bike breakfast will be held from 7:00-

9:00am at the Chamber of Commerce. A bike cruise will be held on May 6 from 7:00-8:30pm. The theme for Bike Month is “Let’s Get Visible” and this event is planned to teach residents how to ride safely at night. More information is available at [rideshare.org](http://rideshare.org)

- POST Executive Certificate for Chief Christey  
<https://youtu.be/HBjf46LX-wU?t=21m4s>  
City Manager Buckingham and the City Council presented Chief Christey with a POST Executive Certificate. POST professional certificates are awarded to peace officers who achieve increasingly higher levels of education, training and experience in their pursuit of professional excellence. Less than 1,500 POST Executive Certificates have been issued since 1972. The City congratulates Chief Christey on her accomplishment.

#### PUBLIC COMMENT

<https://youtu.be/HBjf46LX-wU?t=26m59s>

Richard Sadowski, Morro Bay, spoke regarding nitrate study he co-authored and asked the Council to address the results of the State Water Board sucralose testing to identify if sewage is in the drinking water.

Glenn Silloway, Morro Bay, stated opposition to Item C-3 asking the Council to give this more thought and not to delegate what they were elected to do.

Barry Brannin, Morro Bay, spoke about the importance of zoning enforcement, noting there are numerous illegal structures in north Morro Bay. Planning is important, but not effective if there is no procedure to ensure rules are enforced.

Robert Davis, on behalf of Morro Bay Friends of the Library, presented a Certificate of Appreciation to the City for its support and commitment of the Morro Bay Library Remodel Campaign.

Sil De Santis, Morro Bay, spoke in support of the parklet, comparing it to the round-about which looked a bit odd at first but now nobody is complaining. He suggests possibly extending the area to create a casual walk area.

Linna Thomas, Morro Bay business owner, spoke in opposition to the parklet, submitting nine signed petition pages, for a total of 915 signatures to date, asking the parklet be moved from Main Street. She notes the San Francisco parklet handbook advises applicants that their application will not be considered unless surrounding businesses support the parklet.

Lynda Merrill, Morro Bay, reminded residents it is Snowy Plover nesting season so be careful on the beaches as birds may be foraging outside the designated areas. She also asked for consideration of a 15mph speed limit at Cedar and Sequoia to allow children to cross the street safely.

Barbara Jo Osborne, Morro Bay, spoke about the importance of process and listening to different points of view. She disagrees with 900 people who don’t like parklet and also asks the LEAP

action teams allow those who work during the day be provided an opportunity to participate evenings and weekends.

KC Caldwell, Morro Bay, stated the GP/LCP is of paramount importance and the use of Dynegey funds for that project is appropriate; also, neighborhood compatibility needs to be done as quickly as possible. She agrees the City should update technology; however, radio and newspaper announcements are still needed to reach older residents. With regard to Item C-3, she asked the Council not approve the Citizens Finance Committee.

Alex Beattie, Morro Bay, spoke regarding bird hunting in the bay asking that Council write a letter to the Department of Fish and Game similar to Mayor Peters June 13, 2005 letter, which offered good suggestions for how to balance different uses.

Doug Claassen, manager and owner of Morro Bay RV Park, asks the City Council not sell Morro Bay's share of the wastewater treatment plant to Cayucos.

The public comment period was closed.

A. CONSENT AGENDA

<https://youtu.be/HBjf46LX-wU?t=1h3m35s>

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF MINUTES FOR THE SPECIAL CITY COUNCIL MEETING HELD ON MARCH 3, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FOR THE SPECIAL CLOSED CITY COUNCIL MEETING HELD ON MARCH 5, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETING HELD ON MARCH 10, 2015; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-4 AWARD OF CONTRACT TO DUKE'S ROOT CONTROL, INC. FOR SEWER LINE ROOT CONTROL SERVICES; (PUBLIC WORKS)

**RECOMMENDATION: Authorize the Public Works Director to execute contract with Duke's Root Control, Inc..**

A-5 AWARD OF CONTRACT TO ALPHA ELECTRICAL SERVICE FOR CONTROL SYSTEM UPGRADES AT LIFT STATION 3; (PUBLIC WORKS)

**RECOMMENDATION: Authorize the Public Works Director to execute contract with Alpha Electrical Service.**

A-6 AWARD OF CONTRACT TO MUNICIPAL MAINTENANCE EQUIPMENT, INC. (MME) FOR MAINTENANCE AND REPAIR OF THE VAC-CON TRUCK; (PUBLIC WORKS)

**RECOMMENDATION: Authorize the Public Works Director to execute contract Municipal Maintenance Equipment, Inc.**

A-7 REVIEW AND APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MORRO BAY SENIOR CITIZENS INC. AND THE CITY OF MORRO BAY; (RECREATION)

**RECOMMENDATION: Review and approve the proposed Memorandum of Understanding (MOU) between the Morro Bay Senior Citizens Inc. and the City of Morro Bay.**

Mayor Irons pulled Item A-4, A-5 and A-6. Councilmember Heading pulled Item A-7

MOTION: Councilmember Smukler moved to approve Items A-1, A-2, and A-3. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

A-4 AWARD OF CONTRACT TO DUKE'S ROOT CONTROL, INC. FOR SEWER LINE ROOT CONTROL SERVICES; (PUBLIC WORKS)

A-5 AWARD OF CONTRACT TO ALPHA ELECTRICAL SERVICE FOR CONTROL SYSTEM UPGRADES AT LIFT STATION 3; (PUBLIC WORKS)

A-6 AWARD OF CONTRACT TO MUNICIPAL MAINTENANCE EQUIPMENT, INC. (MME) FOR MAINTENANCE AND REPAIR OF THE VAC-CON TRUCK; (PUBLIC WORKS)

<https://youtu.be/HBjf46LX-wU?t=1h4m17s>

Mayor Irons pulled Items A-4, A-5 and A-6 to allow the opportunity to discuss why these contracts are coming before the Council.

City Manager Buckingham noted these contracts fall into a specific category that staff does not have the authority to execute, even although the dollar amount is within the normal range for approval by the City Manager. Staff will come back to Council with recommendations for a policy update, including appropriate dollar amounts, to authorize staff to execute contracts for projects within the approved budget. As to contracting in general, staff will implement a

quarterly contract review process whereby staff looks ahead at contracts in the quarter before they expire to determine the best course of action.

MOTION: Councilmember Johnson moved the Council approve Items A-4, A-5 and A-6 as presented. The motion was seconded by Councilmember Headding and carried unanimously, 5-0.

A-7 REVIEW AND APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MORRO BAY SENIOR CITIZENS INC. AND THE CITY OF MORRO BAY; (RECREATION)  
<https://youtu.be/HBjf46LX-wU?t=1h15m47s>

Councilmember Headding asked staff questions about the contract and the contract was revised to provide clarification. The revised contract was provided to the Council for review and can be made available to the public, upon request.

MOTION: Councilmember Headding moved the Council approve Item A-7, as revised by staff prior to the meeting. The motion was seconded by Councilmember Makowetski and carried unanimously, 5-0.

B. PUBLIC HEARINGS - NONE

C. UNFINISHED BUSINESS / SECOND READING AND ADOPTION OF ORDINANCES

C-1 REVIEW AND ENDORSEMENT OF LEAP ACTION TEAM INITIATIVES; (ADMINISTRATION)  
<https://youtu.be/HBjf46LX-wU?t=1h23m2s>

City Manager Buckingham gave an overview of tonight's activity, which is to provide Council an update of the LEAP initiatives requesting general endorsement of those activities, not specific approval or adoption of a plan. It is a living initiative and process that is continually evolving.

Don Maruska noted over 100 people are currently involved in helping this process move forward. The purpose is not only to boost the economy but to strengthen the community. There are still many opportunities for people to get involved.

A representative from each of the ten LEAP Action Teams presented a brief update on their initiatives.

The public comment period for Item C-1 was opened.

Jeremiah O'Brien, Morro Bay Commercial Fisherman's Association, has received the first part of the boatyard marketing study and the Harbor Advisory Board Ad Hoc Committee will be reviewing the document and present their findings to the Harbor Advisory Board.

Barbara Jo Osborne, Morro Bay, noted she was listed as a key person on four of the LEAP initiatives; she had signed up in January but only heard from one person. She asks that evening meetings be made available for those citizens who work during the day.

The public comment period for Item C-1 was closed.

**MOTION:** Councilmember Johnson moved the Council endorse LEAP initiatives as presented in staff report. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

**MOTION:** Councilmember Heading moved the Council approve the LEAP initiative support request recommended by staff as presented, up to \$20,000. The motion was seconded by Councilmember Smukler and carried unanimously, 5-0.

**C-2 REVIEW PRELIMINARY RECOMMENDATIONS FOR NEW WATER AND SEWER RATES, APPROVE THE PROPOSITION 218 NOTICE AND SET MAY 26, 2015, AS THE DATE FOR A PUBLIC HEARING AND TO ESTABLISH NEW WATER AND SEWER RATES; (PUBLIC WORKS)**  
<https://youtu.be/HBjf46LX-wU?t=2h48m1s>

City Manager Buckingham presented the staff report and Alex Handlers of Bartle Wells Associates gave a brief presentation of the proposed water and sewer rate increases, and responded to Council inquiries.

The public comment period for Item C-2 was opened.

Barry Brannin, Morro Bay, has a problem with the cost of the sewer plant. He envisions the City has a piece of property (existing WWTP plant) with an estimated value of \$10m that should offset the cost of the new plant.

Bob Keller, Morro Bay, supports this item and asked Council to move forward and secure services in Morro Bay.

The public comment period for Item C-2 was closed.

Council discussed the importance of outreach to educate the community on the Prop 218 vote; uncertainty with regard to State water pass thru and the likelihood the State will not have a project ready in the 5-year time frame; the importance of community buy-in and potential risk of including the State water pass thru surcharge at this time.

**MOTION:** Councilmember Smukler moves the Council approve the water and sewer rate structures as presented with the surcharge for desal facility use and water shortage emergency rates. The motion was seconded by Councilmember Johnson.

The motion was amended to include setting May 26, 2015 for the water and sewer rate public hearing. Councilmember Smukler accepted the amendment. The amended motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

**MOTION:** Councilmember Smukler moves the Council direct staff to initiate a dynamic public outreach and engagement effort presenting the reasons and structure of the rate increase proposal to ensure accessibility to clear and accurate information. The motion was seconded by Councilmember Heading and carried unanimously, 5-0.

**C-3 ADOPTION OF RESOLUTION NO. 12-15 EXPANDING THE DUTIES OF THE CITIZENS OVERSIGHT COMMITTEE TO INCLUDE DUTIES AS THE CITIZENS FINANCE COMMITTEE FOR THE CITY OF MORRO BAY; (ADMINISTRATIVE SERVICES)**

<https://youtu.be/HBjf46LX-wU?t=4h7m28s>

Administrative Services Director Slayton presented the staff report.

The public comment period for Item C-3 was opened; seeing none, the public comment period was closed.

Councilmember Makowetski appreciates Mr. Siloway's comments and heard from other citizens as well that this type of committee can be problematic, and has the potential to be misused from a political standpoint.

Councilmember Johnson sees public input in every key area of the City, except the financial aspect. The key word is "advisory" to the Council; it isn't a way to delegate. She finds value in having more voices and this would enable staff to work directly with citizens who have expertise in an area that councilmembers may not.

Councilmember Heading feels it is important for citizens to understand and know the condition of the City; it adds a layer of transparency to have community input in this area. This committee doesn't take away Council's fiduciary responsibility and he supports mid-year and year-end budget committee.

**MOTION:** Councilmember Johnson moves the Council adopt Resolution No. 12-15 expanding the duties of the Citizens Oversight Committee to include duties as the Citizens Finance Committee. The motion as seconded by Councilmember Heading and carried 4-1, with Councilmember Makowetski voting no.

**C-4 UPDATE AND DISCUSSION OF CITY OWNED PROPERTIES FOR POTENTIAL SALE; (PUBLIC WORKS)**

<https://youtu.be/HBjf46LX-wU?t=4h22m21s>

Public Works Director Livick presented the staff report and identified four properties with quick potential for sale: Main @ Hwy 1, San Jacinto @ Coral (Council had previously directed staff to move forward with sale of this property), Mindoro Street and Downing Street. Other properties identified for discussion with potential issues include: 460 Bonita Street, Civic Center Blocks, 1500 Main Street, and 700 block of Embarcadero.

Mr. Livick also noted that in some residential neighborhoods there are 80 feet of right of way where 54 feet of right of way is needed. The City could consider a partial abandonment or partial vacation of the street so that property would revert to the abutting property owners, putting it back on the tax rolls.

Councilmember Johnson noted she would need to recuse herself during discussion of the Mindoro Street property as that is located near her residence. City Attorney Pannone recommended the Council discuss the Mindoro Street property separately from the other properties recommended for sale.

Councilmember Johnson recused herself due to a conflict of interest related to the Mindoro Street property which is located near her residence.

The public comment period was open related to the Mindoro Street property; seeing none, the public comment period was closed.

**MOTION:** Mayor Irons moves the Council direct staff to divest the City of the Mindoro Street property at a fair and equitable price. The motion was seconded by Councilmember Heading and carried 4-0-1, with Councilmember Johnson abstaining.

Councilmember Johnson rejoined the meeting.

The public comment period for Item C-4 was open; seeing none, the public comment period was closed.

Council discussed the Downing Street property and agreed to set this one aside due to its proximity to the Tri-W property and future green belt discussions. As Council had previously directed staff to pursue sale of the San Jacinto and Coral property, discussion moved toward the vacant lot at Main Street and Hwy. 1.

Councilmember Smukler noted the funds generated from the sale of this excess property could be used to fund the General Plan/Local Coastal Plan update.

**MOTION:** Councilmember Heading moved to direct staff to liquidate the property at Main Street and Hwy 1. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

D. NEW BUSINESS

D-1 DISCUSS ADVISORY BOARD JOINT MEETINGS AND RECOGNITION EVENT FOR ADVISORY BOARD MEMBERS; (CITY COUNCIL)

<https://youtu.be/HBjf46LX-wU?t=4h48m43s>

MOTION: Mayor Irons moved to continue Item D-1 to date certain at the next regular City Council meeting. The motion was seconded by Councilmember Johnson and carried unanimously, 5-0.

E. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/HBjf46LX-wU?t=4h50m6s>

Councilmember Smukler asked for future discussion of a letter to the Department of Fish and Wildlife regarding fowl hunting, as requested during Public Comment. Councilmembers Johnson and Makowetski concurred.

ADJOURNMENT

The meeting adjourned at 10:58 p.m.

Recorded by:

Dana Swanson  
City Clerk